

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

JULIO AGOSTO CUEVAS

TERESA LUGO DIEPPA

DEBTOR(S)

CASE NO.: 15-04841 MCF

CHAPTER 13

MOTION FOR POST CONFIRMATION MODIFICATON UNDER 11 U.S.C § 1329

TO THE HONORABLE COURT:

Come(s) debtor(s) represented by the undersigned attorney and most respectfully EXPOSE(s) and PRAY(s):

1. Debtor(s) is/are submitting an Post Confirmation Modified Chapter 13 Plan, herein attached, to be notified to all interested parties today January 22th, 2017.
2. Debtor(s) is/are submitting an Post Confirmation Modified Chapter 13 Plan to include arrears stated in Motion for Relief From Stay filed by Reverse Mortgage Solutions, Inc., at docket no. 34.

WHEREFORE, debtor(s) respectfully request(s) to this Honorable Court to take notice of the aforementioned.

NOTICE: Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant

to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

RESPECTFULLY SUBMITTED.

In Caguas, Puerto Rico, on this 23rd day of January 2018.

I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using CM/ECF System which will send notification of such filing to the parties registered in the CM/ECF System. All other parties have been notified by the United States Postal mailing service.

/s/ JOSÉ Á. LEÓN LANDRAU, ESQ.

JOSÉ Á. LEÓN LANDRAU (131506)

Attorney for Debtor(s)

PO Box 1687

Caguas, PR 00726

Phone: (787) 746-7979

Fax: (787) 961-9348

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICOIn Re:
JULIO AGOSTO CUEVAS
TERESA LUGO DIEPPAXXX-XX-1575
XXX-XX-8985

Puerto Rico Local Form G

Chapter 13 Plan dated January 23, 2018Case No.: **15-04841**

Chapter 13

☐ Check if this is a pre-confirmation amended plan☒ Check if this is a post confirmation amended plan
Proposed by:☒ Debtor(s)☐ Trustee☐ Unsecured creditor(s)

If this is an amended plan, list below the sections of the plan that have been changed.

2.1**PART 1: Notices**

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. The headings contained in this plan are inserted for reference purposes only and shall not affect the meaning or interpretation of this plan.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a timely proof of claim in order to be paid under this plan, unless ordered otherwise.

The following matters may be of particular importance. *Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.*

If a claim is withdrawn by a creditor or amended to an amount less than the amount already disbursed under the plan on account of such claim: (1) The trustee is authorized to discontinue any further disbursements to related claim; (2) The sum allocated towards the payment of such creditor's claim shall be disbursed by the trustee to Debtor's remaining creditors. (3) If such creditor has received monies from the trustee (Disbursed Payments), the creditor shall return funds received in excess of the related claim to the trustee for distribution to Debtor's remaining creditors. (4) If Debtor has proposed a plan that repays his or her creditors in full, funds received in excess of the related claim shall be returned to the Debtor.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

PART 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make payments to the trustee as follows:

PMT Amount	Period(s)	Period(s) Totals	Comments
------------	-----------	------------------	----------

Debtor **JULIO AGOSTO CUEVAS
TERESA LUGO DIEPPA**

Case number **15-04841**

\$160.00	Months 1 through 18	\$2,880.00	
\$205.00	Months 19 through 31	\$2,665.00	
\$315.00	Months 32 through 60	\$9,135.00	
Subtotal:		\$14,680.00	

Insert additional lines if needed

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Regular payments to the trustee will be made from future income in the following manner:

Check all that apply

- ☐ Debtor(s) will make payments pursuant to a payroll deduction order.
☒ Debtor(s) will make payments directly to the trustee.
☐ Other (specify method of payment): _____

2.3 Income tax refunds:

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will comply with 11 U.S.C. § 1325(b)(2). If the Debtor(s) need(s) to use all or a portion of such "Tax Refunds," Debtor(s) shall seek court authorization prior to any use thereof.

2.4 Additional payments:

Check one.

- ☒ **None.** *If "None" is checked, the rest of § 2.4 need not be completed or reproduced.*

PART3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any.

Check one.

- ☐ **None.** *If "None" is checked, the rest of § 3.1 need not be completed or reproduced.*
☒ The Debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the Debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated, pro-rated unless a specific amount is provided below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the Debtor(s).

Name of Creditor	Collateral	Current installment payments (including escrow)	Amount of arrearage (if any)	Interest rate on arrearage (if any)	Monthly PMT on arrearage	Estimated total payments by trustee
REVERSE MORTGAGE SOLUTIONS	RESIDENCE WITH THREE BEDROOMS AND ONE BATHROOM LOCATED AT 18TH STREET, CC 37, VILLA GUADALUPE IN CAGUAS PR.	\$0.00	\$10,140.18	0.00%		\$10,140.18

Disbursed by:

- ☐ Trustee
☒ Debtor(s)

Debtor **JULIO AGOSTO CUEVAS
TERESA LUGO DIEPPA**

Case number **15-04841**

Insert additional claims as needed.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

Check one.

☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

3.4 Lien Avoidance.

Check one.

☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral.

Check one.

☐ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

☒ The Debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor(s) request that upon confirmation of this plan, the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor

COOP ORIENTAL

Collateral

**COOPERATIVA DE AHORRO Y CREDITO ORIENTAL
SHARES**

Insert additional claims as needed.

3.6 Pre-confirmation adequate protection monthly payments ("APMP") to be paid by the trustee.

☐ Payments pursuant to 11 USC §1326(a)(1)(C):

Name of secured creditor

\$ Amount of APMP

Comments

-NONE-

Insert additional claims as needed.

Pre-confirmation adequate protection payments made through the plan by the trustee are subject to the corresponding statutory fee.

3.7 Other secured claims modifications.

Check one.

☒ **None.** If "None" is checked, the rest of § 3.7 need not be completed or reproduced.

PART 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may vary during the term of the plan, nevertheless are estimated for confirmation purposes to be 10 % of all plan payments received by the trustee during the plan term.

Debtor **JULIO AGOSTO CUEVAS
TERESA LUGO DIEPPA**

Case number **15-04841**

4.3 Attorney's fees

Check one.

☒ **Flat Fee:** Attorney for Debtor(s) elect to be compensated as a flat fee for their legal services, up to the plan confirmation, according to LBR 2016-1(f).

OR

☐ **Fee Application:** The attorneys' fees amount will be determined by the court, upon the approval of a detailed application for fees and expenses, filed not later than 14 days from the entry of the confirmation order.

Attorney's fees paid pre-petition:	\$ <u>510.00</u>
Balance of attorney's fees to be paid under this plan are estimated to be:	\$ <u>2,490.00</u>
If this is a post-confirmation amended plan, estimated attorney's fees:	\$ <u>500.00</u>

4.4 Priority claims other than attorney's fees and those treated in §§ 4.5, 4.6

Check one.

☒ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

4.6 Post confirmation property insurance coverage

Check one.

☒ **None.** If "None" is checked, the rest of § 4.6 need not be completed or reproduced.

PART 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective.

Check all that apply.

- ☐ The sum of \$ ____.
- ☐ ____% of the total amount of these claims, an estimated payment of \$ ____.
- ☒ The funds remaining after disbursements have been made to all other creditors provided for in this plan.
- ☐ If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ ____.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one.

☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 Other separately classified nonpriority unsecured claims.

Check one.

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

PART 6: Executory Contracts and Unexpired Leases

Debtor **JULIO AGOSTO CUEVAS**
TERESA LUGO DIEPPA

Case number **15-04841**

- 6.1** The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one.

☒ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

PART 7: Vesting of Property of the Estate & Plan Distribution Order

7.1 Property of the estate will vest in the debtor(s) upon

Check the applicable box:

- ☒ Plan confirmation.
☐ Entry of discharge.
☐ Other: _____

7.2 Plan distribution by the trustee will be in the following order:

(The numbers below reflect the order of distribution; the same number means prorated distribution among claims with the same number.)

1. Distribution on Adequate Protection Payments (Part 3, Section 3.6)
1. Distribution on Attorney's Fees (Part 4, Section 4.3)
1. Distribution on Secured Claims (Part 3, Section 3.1) – Current contractual installment payments
2. Distribution on Post Confirmation Property Insurance Coverage (Part 4, Section 4.6)
2. Distribution on Secured Claims (Part 3, Section 3.7)
2. Distribution on Secured Claims (Part 3, Section 3.1) – Arrearage payments
3. Distribution on Secured Claims (Part 3, Section 3.2)
3. Distribution on Secured Claims (Part 3, Section 3.3)
3. Distribution on Secured Claims (Part 3, Section 3.4)
3. Distribution on Unsecured Claims (Part 6, Section 6.1)
4. Distribution on Priority Claims (Part 4, Section 4.4)
5. Distribution on Priority Claims (Part 4, Section 4.5)
6. Distribution on Unsecured Claims (Part 5, Section 5.2)
6. Distribution on Unsecured Claims (Part 5, Section 5.3)
7. Distribution on General Unsecured claims (Part 5, Section 5.1)

Trustee's fees are disbursed before each of the distributions above described pursuant to 28 U.S.C. § 586(e)(2).

PART 8: Nonstandard Plan Provisions

8.1 Check "None" or List the nonstandard plan provisions

☒ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Insert additional lines as needed.

PART 9: Signature(s)

/s/ JOSÉ Á. LEÓN LANDRAU
JOSÉ Á. LEÓN LANDRAU 131506
Signature of Attorney of Debtor(s)

Date January 23, 2018

/s/ JULIO AGOSTO CUEVAS
JULIO AGOSTO CUEVAS

Date January 23, 2018

Date _____

By filing this document, the attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 8.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE JUDICIAL DISTRICT OF PUERTO RICO

IN RE:

JULIO AGOSTO CUEVAS
TERESA LUGO DIEPPA

DEBTOR(S)

CASE NO.: 15-04841 MCF

CHAPTER 13

MOTION TO INFORM REGARDING MOTION FOR RELIEF FROM STAY

TO THE HONORABLE COURT:

Come(s) Debtor(s) represented by the undersigned attorney and most respectfully ALLEGES EXPOSE(S) and PRAY(S):

1. In the instant case secured creditor Reverse Mortgage Solutions, Inc. (RMS), filed a Motion for Relief from Stay on June 1st, 2017. See Dkt. 34.
2. Consequently, counsel for Debtors contacted the legal representation of secured creditor a per the signature block included in the aforementioned motion counsel: Andres Saez Marrero, Esq. The aim of these efforts was to ascertain the actual amounts owed and the periods to which they corresponded, since Debtors had doubts of whether arrears corresponded to payments made to an insurance policy by secured creditor on Debtors' behalf or if Debtors needed to obtain insurance in the amount claimed in the aforementioned motion.
3. Counsel Andres Saez Marrero, Esq., directed Debtors' counsel to contact to attorney Andrea Daliz Vega Jimenez, Esq., who provided counsel for Debtors with the explanation and amounts requested by Debtors in order to understand the nature of the arrears requested. See Exhibit A-1. Upon the request for continuance (Dkt. 40) filed by attorney Andrea Daliz Vega Jimenez, Esq., a Final Hearing was scheduled for August 1st, 2017. See Dkt. 41.
4. In agreement with with counsel Andrea Daliz Vega Jimenez, Esq., Debtors filed a Motion Requesting Continuance of Final Hearing on July 31st, 2017. See Dkt. 44. In said motion Debtors informed this Court that continuance was sought in lieu of communications between the parties in which counsel for Debtors

informed counsel Andrea Daliz Vega Jimenez, Esq., that Debtors intended to file a Post Confirmation Modified Chapter 13 Plan to address arrears.

5. On December 19, 2017, Jessica L. Dutton, Esq., contacted counsel for Debtors via email, stating that she represented secured creditor RMS, and inquiring how Debtors intended to resolve the matters presented by the Motion for Relief from Stay; and informing that amount stated in said motion did not include attorney fees, yet no amount owed for such compensation in said communication. See Exhibit A-2.

6. On January 11, 2018, counsel for Debtors responded via email to counsel Jessica L. Dutton, Esq., informing that Debtors intended to file a Post Confirmation Modified Chapter 13 Plan to cure arrears owed, and requested that counsel for RMS send the undersigned the total amount owed, including attorney fees referenced in her previous communication. See Exhibit A-2.

7. Debtors inform this Court that Debtors have not received the requested information in order to file an Post Confirmation Chapter 13 Plan and address arrears owed to secured creditor.

WHEREFORE, debtors request that this Honorable Court grant this motion and take notice of the aforementioned

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

RESPECTFULLY SUBMITTED.

In Caguas, Puerto Rico, this 22nd day of January 2018

I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using CM/ECF System which will send notification of such filing to the parties registered in the CM/ECF System. All other parties have

been notified by the United States Postal mailing service.

/S/ JOSÉ A. LEÓN LANDRAU, ESQ.

JOSÉ A. LEÓN LANDRAU (131506)
Attorney for Debtor(s)
P.O. Box 1687
Caguas, Puerto Rico 00626
Phone: (787) 746-7979
Fax: (787) 961-9348

Subject: RE: CASE: JULIO AGOSTO CUEVAS AGOSTO 15-04841 MCF13

From: Andrea Daliz Vega Jimenez (advjimenez@rasflaw.com)

To: jleonlandrau@yahoo.com;

Date: Thursday, July 27, 2017 12:25 PM

Good afternoon,

Confirming the receipt of the attached document, which belongs to insurance for the period 8/2017-8/2018. Please confirm your client already submitted this evidence to RMS.

Per our conversation, the post-petition amount of \$2,819.96 is the total of the following transactions:

- Disbursement on 1/21/16 \$3.15 (Flood Insurance)
- Disbursement on 4/20/16 \$1, 168.70 (Flood Insurance)
- Reimbursement on 5/4/16 \$2.64
- Disbursement on 10/12/16 \$561.75 (Hazard Insurance)
- Disbursement on 12/14/16 \$1,089.00 (Flood Insurance)

At your earliest convenience, please provide evidence that property is not located in flood area, as you mentioned in our last conversation.

Regards,

Andrea Daliz Vega Jiménez, esq.

ROBERTSON, ANSCHUTZ & SCHNEID, P.L.

6409 Congress Ave, Suite 100

Boca Raton, FL 33487

Email: advjimenez@rasflaw.com

Subject: Re: In re: Cuevas, Case No. 15-04841-MCF13 | Upcoming Motion for Relief from Stay | RAS 16-226766

From: José A. León Landrau (jleonlandrau@yahoo.com)

To: jdutton@rascrane.com;

Date: Thursday, January 11, 2018 2:29 PM

Debtor will propose to include amount in a Post Confirmation Modified Plan. We would appreciate if the full amount including attorney fees and costs were informed to us (by reply to this email is possible) in order to include the accurate amount.

Lcdo. José A. León Landrau

PO Box 1687

Caguas PR 00726

Tel.: (787) 746-7979

Fax: (787) 961-9348

jleonlandrau@yahoo.com

IMPORTANT NOTICE:



Please consider the environment before printing this email.

This e-mail (and any attachments) may contain confidential and privileged attorney-client and work product information for the use of the designated recipients named above. If you are not the intended recipient, you must not read, use or disseminate the information. If you have received this communication in error, please notify José A. León Landrau's legal office immediately by e-mail or telephone at 787-746-7979 and destroy all copies of this communication and any attachments.

On Tuesday, December 19, 2017 10:24 AM, Jessica Dutton <jdutton@rascrane.com> wrote:

Good Morning,

We represent Reverse Mortgage Solutions, Inc. in the above referenced matter and have filed a Motion for Relief from Stay. Please see the attached figures showing that your client is due for \$2,819.96. Please keep in mind that this does not include attorney's fees and costs. Please advise how your client would like to resolve this matter.

Kind Regards,

Jessica L. Dutton

RAS CRANE LLC

10700 ABBOTT'S BRIDGE ROAD, SUITE 170

DULUTH, GA 30097

PHONE (470) 321-7112 Ext. 164

FAX (404) 393-1425

Email: jdutton@rascrane.com



Attachments

- image001.jpg (3.78KB)

JULIO AGOSTO CUEVAS
CALLE 18 CC 37
VILLA GUADALUPE
CAGUAS, PR 00725

TERESA LUGO DIEPPA
CALLE 18 CC 37
VILLA GUADALUPE
CAGUAS, PR 00725

JOSÉ Á. LEÓN LANDRAU
LEÓN LANDRAU, C.P.
PO BOX 1687
CAGUAS, PR 00726

COOP ORIENTAL
COOPERATIVA DE AHORRO Y CREDITO ORIENTAL
PO BOX 876
HUMACAO, PR 00792

DISH
PO BOX 72006
SAN JUAN, PR 00936-7602

LCDO JORGE BIRD SERRANO
SAN JUAN, PR 00919

REVERSE MORTGAGE SOLUTION, INC
2727 SPRING CREEK DR
SPRING, TX 77337-3000

REVERSE MORTGAGE SOLUTIONS, INC
5010 LINBAR DRIVE, SUITE 100
NASHVILLE, TN 37211

REVERSE MORTRGAGE SOLUTIONS
2727 SPRING CREEK DRIVE
SPRING, TX 77373